

Review of Partial Capacity Benefit

A Submission by the Citizens Information Board to the Department of Social Protection (May 2015)

Introduction

The Citizens Information Board (CIB) welcomes the opportunity to make a submission to the Department of Social Protection (DSP) in respect of the Review of the Partial Capacity Benefit (PCB) Scheme. The Submission is based on feedback from Citizens Information Services (CISs) and the national Citizens Information Phone Service (CIPS) arising from queries which are deemed by information providers to have social policy implications, i.e., the benefit or service available is considered inadequate to meet needs or there are administrative difficulties which impact negatively on access to a benefit or support. It should be noted that, while social welfare accounts for some 40% of over a million queries annually to CISs and to CIPS, with disability payment related queries accounting for over 54,000¹, queries concerning the Partial Capacity Benefit Scheme would only be a small proportion of these queries². This is probably commensurate with the numbers availing of the scheme currently.

Main Issues Identified by CISs and CIPS

There are a number of issues referenced in social policy feedback relating to the PCB scheme. These are:

- People being worse off on employment and PCB than they would be on the social welfare payment and related secondary benefits (see Case Example 1)
- Uncertainty about status on cessation of Illness Benefit (see Case Example 2)
- Delays in processing applications for PCB resulting in a loss of a potential employment opportunity - potential employer not prepared to wait (see Case

¹ These represented a 13% increase in disability related queries from the previous year. Almost half of these were in relation to Disability Allowance.

² CISs recorded over 1,500 queries in relation to PCB in 2014.

Example 3)

- Fear of not being able to return to Illness Benefit or Invalidity Pension if the employment ceases or if the person is unable to continue working (see Case Example 4)
- A fear that an assessment in respect of an application for PCB would trigger a withdrawal of an existing benefit e.g., where there was an assessment of a mild restriction in capacity (see Case Example 5)
- The loss of Fuel Allowance and reduction in Living Alone Allowance (see Case Example 6)
- Means-testing for the Household Benefits Package and Free Travel after two years on PCB and annually thereafter
- People not being told by DSP about their possible entitlement to PCB
- Not enough information in relation to how the medical condition is defined and assessed
- The fact that Disability Allowance and Blind Pension are not qualifying payments for PCB
- Partial Capacity Benefit not being payable to someone in a Community Employment Scheme

Feedback from CISs and CIPS

The following case examples and observations by CISs illustrate the different issues being presented by clients in respect of PCB

Case Example 1

A woman in receipt of Invalidity Pension applied for Partial Capacity Benefit. Due to the nature of her illness she felt she would not be able to work more than 10 hours/week. She took up employment of 10 hours with weekly earnings of €86.50. Her medical condition was deemed MODERATE and she was awarded PCB of €96.75 - her weekly rate bringing her total weekly income to €183.25, which is €10.25 less than when she was on Invalidity Pension. She only came to realise after she started working that she lost eligibility for the full Living Alone allowance and the Fuel Allowance. She felt that she should have been advised by the DSP that she could be financially worse off by taking up Partial Capacity Benefit.

Case Example 2

Client was in receipt of PCB, having been previously in receipt of Illness Benefit. Her 2 years on Illness Benefit was soon to expire and she had received a letter from PCB stating that her claim was to cease when her entitlement to IB ceased. The woman was still working in her employment and still had her disability but was not clear about whether or not she would have to work for 13 weeks in order to re-qualify for IB and then reapply for PCB.

Case Example 3

This client has been claiming Illness Benefit for 4 years and has now managed to find employment, 2 days per week. The client has requested the form from the Department and was told the process could take approximately 10 weeks. The problem the client is facing is that the potential employer is expecting her to start within a few days and she has still not received the form to start the application process. The woman is very anxious as this is the first opportunity she has had to re-enter the workplace. The delay in processing the claim could lead to her losing her job offer.

Case Example 4

The client suffers from mental illness and is in receipt of Invalidity Pension. He has been working part-time for a number of years and received an exemption due to the fact that his mental health benefited from the routine of part-time work. He has now received a letter stating that if he wants to continue working, he must apply for Partial Capacity Benefit and undergo a medical assessment which will also reassess him for his current Invalidity Pension. He does not want to give up work but he can't face the stress and he is very worried that if he does decide to apply there is a possibility that he could even end up losing his Invalidity Pension. The outcome is that he thinks he will probably have to give up work and that this may negatively impact on his mental health.

Case Example 5

Client has been offered 2 hours a week tutoring - with the possibility of more hours in the future. She is on Illness Benefit long term (10 years) due to depression. She is also getting half-rate Carers Allowance and feels she would be unable for full time work due to both her own illness and the illness of her child. However she does feel she would be able for part time work. In the past this may have been an option while on long term Illness Benefit. But now with Partial Capacity Benefit she is worried she would not be seen as meeting the medical criteria for Illness Benefit and would thus lose her payment. In this case the client felt she had no option but to turn down the work offered to her.

Case Example 6

A CIS client on Invalidity Pension wished to take up work for a year and PCB would be an option. However, as there is no clarity as to what the outcome of the assessment would be (mild, moderate, severe), the client put off applying and would rather stay on Invalidity Pension as he will keep his Fuel Allowance and full Living Alone Allowance.

Case Example 7

A person diagnosed with Multiple Sclerosis some years ago has been working part-time since 2007 and prior to that was on a CE scheme. The person is unable to work full-time but has never claimed any illness related payments. The person indicated a wish to claim Partial Capacity Benefit on the basis that it would be ideally suited to the situation but was unable to even apply because of not being in receipt of either Invalidity Pension or Illness Benefit for 6 months.

Case Example 7 highlights the situation of someone with a long-term medical condition who wishes to stay in the workforce on a part-time basis but cannot access PCB because of not being (and never having been) on a qualifying payment.

Observations by CISs on PCB

“If a claimant is assessed as having a “mild” disability they will not qualify for the payment **and** it will bring their current payment into question – people are frightened that they will lose everything”.

“As PCB only lasts as long as there is an underlying entitlement to Illness Benefit or Invalidity Pension, it is more problematic for those on Illness Benefit to claim as PCB will end when their IB ends unless they satisfy the qualifying conditions for Invalidity Pension”.

“In terms of moving forward with the PCB, most clients will want to know the parameters of the assessment before considering the application. The previous system of 'rehabilitative employment' seemed more appealing to clients”.

“There is a fear that, if they get the payment at a reduced rate, they will eventually be deemed fit to work again”.

“We believe that the qualifying conditions are far too restrictive and this means that most people who are considering taking up employment will not qualify for the payment”.

“The scheme would not be well known within the disability community”.

In summary, feedback from CISs and CIPs shows that people are not applying for PCB, firstly, because there is insufficient information on how capacity is measured and, secondly, people are reluctant to risk losing the payment if assessed as fully capable of working. Other relevant factors are the restrictions on qualifying payments' the loss or reduction of additional allowances such as Fuel Allowance and Living Alone Allowance and the timescale for processing applications for PCB.

Positive aspects of the PCB identified is the fact that there is no requirement that the work a person does while on PCB has to be for rehabilitative or therapeutic purposes and that there is no restriction on earnings or number of hours a person can work. However, the PCB Scheme does not seem to be seen generally as an incentive to go back to work which suggests a deficit in the way it is promoted and understood.

The following options should be considered:

- Proactively promoting the scheme and emphasising the advantages
- Providing detailed information in easy-to-read formats on the assessment criteria and including a number of case scenarios
- Changing the eligibility criteria which restrict applications to those who have been on Invalidity Pension or Illness Benefit for a minimum of 6 months
- The possibility of including Disability Allowance and Blind Pension as qualifying payments for PCB
- Looking at the possibility of paying FIS where people's illness or disability allows them to work the minimum number of required hours (i.e. 19 hours per week)